

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Stationary Sources Program / Air Pollution Control Division

INTER-OFFICE COMMUNICATION

PS Memo 10-03

TO: Stationary Sources Staff, Local Agencies, Regulated Community

FROM: R K Hancock III, P. E. Construction Permits Unit Supervisor

DATE: October 13, 2010

RE: **NSPS Subpart IIII Relocation to Colorado**

Regulation Number 6, Part B, I.B. states:

"In addition to the provisions stated in Part A, Subpart A, Subsection 60.14(c)(6) of the CFR, regarding applicability, the following applies: relocation of a source within the State of Colorado is not, by itself, considered to be a modification. Relocation of a source from outside of the State of Colorado into the State of Colorado is considered to be a new source subject to the requirements of this Regulation No. 6."

Due to this requirement, diesel engines relocating to Colorado are subject to the Federal New Source Performance Standard (NSPS) Subpart IIII as a state only requirement per below. This requirement is State of Colorado only as EPA does not consider relocation to be a modification or reconstruction.

Used Engines

Any existing engine moving to Colorado on, or after, July 11, 2005 will be required to meet the NSPS subpart IIII as a state-only requirement. The relocated engine will be subject to the NSPS IIII emission standards that are in effect on the date of relocation into Colorado. For example, an engine relocated into Colorado in October 2010, would be subject to the Tier 2 emission standards of NSPS IIII, even if the engine was manufactured some time prior to the Tier 2 applicability date.

In order to show compliance with the state-only portion of NSPS IIII existing sources moving into Colorado will be required to provide demonstration of compliance with the emission limits via one of the methods listed in the subpart. There is a list of options, but what it basically comes down to is one of the following:

1. Manufacturer certified emission factors showing compliance.

2. Stack tests of same make and model showing compliance. This would only be considered if the test was done under similar conditions to Colorado (ie: altitude).
3. Stack tests on the engine.

Any engine failing the stack tests would either have to install controls and retest or be removed from Colorado.

Any engine that relies on control device(s) to meet the requirements will have periodic testing to show that the control device(s) is/are working properly. This is needed as control devices on diesel engines are typically not very reliable.

New Engines

The regulation indicates "Relocation" is what triggers the state only provision. The Division is interpreting this as follows:

A new engine will not yet have been installed or "located" anywhere outside of Colorado. So it will be "locating" to Colorado, not "relocating". Therefore any engine that has not been operated outside the State of Colorado (other than for brief periods of testing) shall not be subject to the relocation provisions of Regulation Number 6. Such engine will need to meet the appropriate NSPS Subpart IIII requirements, as a Federal and State requirement, in effect as of the date of manufacture and/or date of order as appropriate per the requirements of the subpart. Sources will need to provide the manufacture and/or order date to the Division during the permit process in order for the Division to determine the applicable emissions standards.

Consistent with used engines, owners/operators of new engines shall demonstrate compliance with the NSPS IIII emissions standards via the options outlined in the subpart.